

UNITED STATE DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

2010 JUL 23 PM 4:45

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY

UNITED STATES OF AMERICA,

Plaintiff,

v.

RALPH EDWARD CHERNEY,

Defendant.

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A10CR 468 LY  
CRIMINAL NO. \_\_\_\_\_

FACTUAL BASIS

Had this matter proceeded to trial, the United States Attorney for the Western District of Texas was prepared to prove the following facts beyond a reasonable doubt:

1. In or about 2003, the Defendant, RALPH EDWARD CHERNEY, paid to access an internet website that promoted child pornography, which enabled the Defendant to access and download images of child pornography. In or about August 2003, the website which Defendant accessed was shut down by the Federal Bureau of Investigation (FBI). Investigation revealed that the Defendant paid to access the website.

2. In July 2005, the Defendant was voluntarily interviewed by the FBI. The Defendant voluntarily admitted that he made a payment of \$70 and a second payment of \$80 to access and ultimately download the images of child pornography found on his computer from that website using his computer. The Defendant used a personal credit card to pay and access the website.

3. The Defendant voluntarily gave consent to agents to search his computer. On the hard drive, the Defendant knowingly possessed numerous digital images of child pornography

contained within two .zip files. Of those, several images depicted actual children who were previously identified through a database of known child sexual exploitation victims.

4. The production of the digital images found on the Defendant's computer involved the use of, and depicted, children under the age of 18 engaging in sexually explicit conduct, namely oral-genital, anal-genital, and oral-anal sexual intercourse; masturbation; and the lascivious exhibition of the genitals and public area of a person.

5. The visual depictions had been shipped in interstate and foreign commerce, including by computer, and were produced using materials that had been shipped and transported in interstate commerce and foreign commerce, including by computer.

That, in summary, would be the evidence presented by the United States.

JOHN E. MURPHY  
United States Attorney

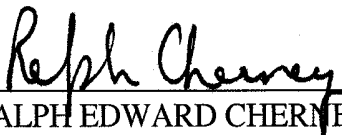
By:




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I, RALPH EDWARD CHERNEY, have carefully read and reviewed the foregoing Factual Basis in its entirety, and have discussed it with my attorney. I freely and voluntarily admit that the statements contained in the Factual Basis are true and correct and accurately describe the facts and circumstances of the offense to which I am pleading guilty. In addition, I freely and voluntarily admit that the allegations contained in Count One of the Information are true and correct and that I am guilty of that charge.

  
\_\_\_\_\_  
RALPH EDWARD CHERNEY  
*Defendant*

7-8-10  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
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7/8/2010  
\_\_\_\_\_  
Date